

FILED
CLERK

2016 JUN 29 AM 11:12

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
OFFICE OF THE CLERK

The Honorable William F. Kuntz II
United States District Judge
Eastern District Of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

117-11 Springfield Boulevard
Cambria Heights, New York 11411
Telephone: (718)-723-4657
Mobile: (917)-327-4597
E-Mail:leonard.leon2013@gmail.com

Date: June 29, 2016

Re: Leon v. NYC Department of Education 10cv2725, Removal of Current Counsel, and Adjournment of Conference on June 29, 2016 at 12:00 noon.

Dear Judge Kuntz:

Please allow me to preface my letter to you, by explaining my reason for having hand delivered a letter to Magistrate Judge Arlene R. Lindsay, instead of you, a copy of my letter to Judge Lindsay is being given to you today, for your consideration. My letter is requesting the removal/change of my counsel, Mr. Stewart L. Karlin and Mr. Daniel E. Dugan as attorneys of record for me, and for an adjournment/postponement of the conference for June 29, 2016.

On the morning of June 22, 2016, around or about 9:30 am, I came to this court, The Eastern District Court, in Brooklyn, N.Y. In the clerk's office, I gave a male clerk my docket number, referenced above. I explained to the male clerk that I was informed by my attorney, Mr. Stewart L. Karlin that Magistrate Judge Arlene Lindsay would be presiding over the conference on June 29, 2016. In addition, I was also informed by Mr. Stewart L. Karlin that Judge William Kuntz would be presiding at a subsequent court date for July 13, 2016. The clerk advised me that Judge Lindsay is in Central Islip, N.Y. and he does not know if she would come to this location, but Judge William Kuntz was listed as the Judge that would be presiding at the June 29, 2016 conference. The clerk advised me to contact The Eastern District Court in Central Islip, N.Y. and he gave me the contacting telephone number, which is 631-712-57230. In the afternoon of June 22, 2016, around or about 1:30 pm, I contacted a female clerk in the Central Islip, N.Y. court, and gave her my docket number. The clerk's immediate response was, she could not give me any information, nor did she direct me to any person who could possibly assist me. When I asked this clerk for the procedure for changing counsel, she said send a letter of request to Magistrate Judge Arlene R. Lindsay, and send copies of her letter to my attorney of record, Mr. Stewart L. Karlin, and the opposing side's attorney, Mr. Jacob A. Englander. This letter to Judge Arlene R. Lindsay from me informing her that I had written a letter to my attorney Mr. Stewart L. Karlin, advising him that I was releasing him as my attorney, and a request from her for the removal of Mr. Karlin as my attorney of record for my Federal Case, and a request from her that the June 29, 2016 conference be adjourned/postponed until I retain new counsel. On June 22, 2016, I called the Central Islip court a second time the same telephone number given to me by a male clerk in the clerk's office of the Brooklyn Court. This time, I spoke with a clerk named Mr. Robert Imrie who reaffirmed the same procedure for the removal of my counsel of court record and

Page 2 - Re: Leon v. NYC Department of Education 10cv2725, Removal of Current Counsel, and Adjournment of Conference on June 29, 2016 at 12:00 noon.

for the adjournment/postponement of the June 29, 2016 conference, in the same way as the first female clerk had advised me. On Thursday, June 23, 2016, I left a message for Mr. Robert Imrie to call me, because I wanted to clarify and confirm the correct procedure for this process, however, Mr. Robert Imrie never returned my telephone message, and therefore, I assumed that the procedure given to me by the first female clerk and Mr. Robert Imrie was the correct procedure.

Yesterday, June 28, 2016, I called the same office, Mr. Robert Imrie answered the telephone. At that time, I inquired as to whether or not Magistrate Judge Arlene R. Lindsay had received my letter, and he informed that my letter had not been opened. He also said, "I have many letters that have not been opened". At that time, Mr. Imrie chose to advise me of the proper procedure, which is to notify District Judge William Kuntz, instead of Magistrate Arlene R. Lindsay. I reminded Mr. Imrie that he had already given me the procedure to write to Magistrate Arlene R. Lindsay, and I reminded him that I left a message for him to return my call on Thursday, June 23, 2016, to clarify the procedure. Mr. Imrie explained they do not have to return calls and he claimed that he does not remember advising me to write to Magistrate Judge Arlene R. Lindsay.

In closing, in your decision, I am respectfully requesting, and sincerely hopeful that you will take into consideration the fact that I tried my very best, according to the information given to me by official court personnel, to obtain and proceed with the correct procedure, to request from you, the removal of Mr. Stewart L. Karlin, and Mr. Daniel E. Dugan as attorneys of record for my aforementioned referenced court case and for the adjournment/postponement of this June 29, 2016 conference.

Sincerely,

Lillie Leon

CC: Mr. Stewart L. Karlin, Esq.
111 John Street, 22ND Floor
New York, N.Y. 10038

CC: Mr. Jacob A. Englander, Esq.
New York City Law Department
100 Church Street
New York, N.Y. 10007

117-11 Springfield Boulevard
Cambria Heights, New York 11411
Telephone: (718)-723-4657
Mobile: (917)-327-4597
E-Mail:leonard.leon2013@gmail.com

The Honorable Arlene R. Lindsay
United States Magistrate Judge
Eastern District Of New York
100 Federal Plaza
Central Islip, New York 11722

Date: June 27, 2016

Re: Leon v. NYC Department of Education 10cv2725, Changing Counsel, and Conference before Judge William F. Kuntz on June 29, 2016 at 12:00 noon.

Dear Judge Lindsay:

I am addressing this letter to you to inform you of the fact that I need to seek new counsel to replace Mr. Stewart L. Karlin, Attorney-At-Law, who has been my attorney of record since May of 2011. Unfortunately, over the course of the last 5 years Mr. Karlin's attitude has consistently grown to a level where he is violating rules of professional conduct. He exhibits behavior that is offensive, unprofessional, and unethical, in that, he fails to treat me with courtesy and respect, instead, he displays rudeness, indifference, and an overall lack of concern for me and my case. Currently there exist a total breakdown in meaningful communication. Mr. Karlin refuses to exercise reasonable diligence in preparation to represent me by not adequately familiarizing himself with supporting credible evidence and documents that support my claim. Mr. Karlin has consistently refused to address and respond to questions about my case and his strategy to defend my claim. He failed to fulfill his promise to subpoena important documents that will support my claim of Age Discrimination, Disparate Treatment, Retaliation, a Hostile Working Environment, and Severe Harassment. In addition, Mr. Karlin has failed to answer important questions about a promise he made to depose certain individuals. In addition, he failed to follow through with a promise he made on the same day of my deposition, March 11, 2016, to send a copy of the transcript from my deposition on March 11, 2016. As a matter of fact, on May 3, 2016, during my telephone call to Mr. Karlin, when I reminded him of the fact that as he promised, I had not received a copy of the transcript of my deposition done on March 11, 2016, by the opposing attorney. When Mr. Karlin was questioned about this transcript, he responded and said, "Your case is not the only case that I have, the person who was to send you the transcript was on vacation. She has a right to a vacation. You will get a copy of the transcript when we meet in my office tomorrow." These remarks were insulting, and in my opinion, Mr. Karlin displayed a lack of respect for me. To date, Mr. Karlin has failed to answer my latest emails dated May 12, 2016, June 3, 2016 and June 18, 2016. In order to have a Certified Receipt for delivery of 2 of my most recent letters to Mr. Karlin, on June 21, 2016, I sent copies of both letters dated June 3, 2016 and June 18, 2016 by way of Express Mail, Return Receipt to his office. The package was delivered on the morning of June 22, 2016, at 8:27 a.m., J. McDonald signed for the receipt of the letters. In the afternoon of June 22, 2016, I received a response from Mr. Karlin, he e-mailed a copy of the transcript from the deposition of Ms. Paula Cunningham on May 4, 2016, by way of PDF file. To date this e-mail of the deposition of Ms. Paula Cunningham, is the only response to my recent e-mails from Mr. Karlin, for more than one month after my request for this document.

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In my opinion, it appears that Mr. Karlin has intentionally ignored all of my concerns, in that, he consistently proceeds with legal representation completely without any meaningful input or participation from me, as his client. Nevertheless, Mr. Karlin has continuously appeared in court as my counsel, under the assumption that his behavior is acceptable, which is not true. Mr. Karlin has a professional obligation and fiduciary responsibility to me as his client. However, he failed to notify me of the court conference scheduled on June 29, 2016. Nevertheless, Mr. Karlin has known about this new conference date since February 26, 2016. There is no excuse for Mr. Karlin withholding this information from me. This is a consistent pattern of neglect by not keeping me up-to-date about conferences, and court appearances, as he agreed. It wasn't until I contacted his office by telephone, on June 7, 2016, and asked for an update of my Federal Case that he notified me of this proceeding. In addition, when I called him on June 7, 2016, during our conversation regarding the conference on June 29, 2016 he explained that it was unusual for the client to ask to be at the court proceeding, but after he read the notes for the conference on February 26, 2016, he realized that ALL parties Plaintiff/Defendant were directed to appear on Wednesday, June 29, 2016. By error, Mr. Karlin informed me that Magistrate Judge Arlene Lindsay would be presiding at the Conference on June 29, 2016, at 225 Cadman Plaza East, in Brooklyn, N.Y. at 12 noon. However, when I checked a copy of the history of my case that I received from the clerk's office at the Federal Eastern District Court in Brooklyn, on Wednesday, June 22, 2016, I discovered that District Judge William F. Kuntz will be presiding at the June 29, 2016 conference. I believe if I had not taken the initiative to call Mr. Karlin on June 7, 2016, to find out the status of my case, he would have appeared on June 29, 2016 without me being present. After this conversation with Mr. Karlin I realized he is not acting in my best interest and it was necessary for me to visit the Eastern District Court in order to be advised of upcoming court appearances. As aforementioned, I visited the Eastern District Court on June 22, 2016, and I received an abstract/history report of my case from the year 2010. In the report I saw a recent court appearance which I had no knowledge of, this court appearance was on February 26, 2016 held before Judge William F. Kuntz. In addition, an attorney named Daniel E. Dugan from Mr. Karlin's office was listed as having appeared in court on my behalf, without my knowledge, or consent. Please bear in mind that Mr. Dugan was not named in my retainer agreement with Mr. Karlin as an attorney who would also be representing me. In addition, after Mr. Dugan appeared in court on February 26, 2016, both Mr. Dugan and Mr. Karlin failed to disclose the fact that there was a discovery cut-off deadline extended to June 3, 2016, to submit all discovery disputes, which I assume is supporting evidence to support my claim, of Age Discrimination, Disparate Treatment, Retaliation, a Hostile Working Environment, and Severe Harassment. This information withheld from me by both attorneys was only revealed from the abstract/history of my case, obtained on June 22, 2016. Mr. Karlin never revealed any strategy for defending my claim, nor discussed any pertinent evidence. I can only assume that Mr. Karlin and/or Mr. Dugan submitted valid and accurate information regarding my claim without verifying with me the accuracy and validity of the information, yet this information will be accepted as truth. Mr. Karlin is aware of the fact that in 2010 when he began as my counsel, on several occasions he emailed his arguments to me before submitting them to the courts, and in many instances I caught serious errors that needed my correction.

Mr. Karlin fails to realize that he is a person in a position of trust and has agreed to diligently defend me as my fiduciary. His behavior is not only unprofessional but a betrayal of my trust. I refuse to allow Mr. Stewart L. Karlin and Mr. Daniel E. Dugan to improperly defend and support my claim, due to their

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unprofessionalism and nonchalant approach in their practicing of law. To that end, I have no other choice than to choose different counsel who will hopefully vigorously defend my claim.

In accordance with the aforementioned unprofessional, unethical, rude, indifferent and overall lack of concern, exhibited by Mr. Stewart L. Karlin, I hereby ask that he and Mr. Daniel E. Dugan be removed as soon as possible as my attorneys from my Federal Case, afore referenced case number on page 1.

I am requesting an adjournment of all court hearings for at least one month in order to research and retain new counsel.

If I do not receive a response from you and if am not granted an adjournment, I will assume that I need to appear before Judge William F. Kuntz, on Wednesday, June 29, 2016, at 12:00 noon, to explain my dissatisfaction with my legal representation and my need to change counsel. In addition, I would like permission for my son, Leonard Leon to accompany me to this conference.

I am thanking you in advance for your consideration.

Sincerely,


Lillie Leon

CC: Mr. Stewart L. Karlin, Esq.
111 John Street, 22ND Floor
New York, N.Y. 10038

CC: Mr. Jacob A. Englander
New York City Law Department
100 Church Street
New York, N.Y. 10007

To: Mr. Stewart L. Karlin, Esq.
111 John Street, 22ND Floor
New York, N.Y. 10038
Telephone: (212)-792-9670
Fax: (212)-732-4443
E-mail: slk@stewartkarlin.com // stew@stewartkarlin.com

From: Ms. Lillie Leon
117-11 Springfield Blvd.
Cambria Heights, N.Y. 11411
E-mail: leonard.leon2013@gmail.com

Date: June 27, 2016

**Subject: Immediate Release of Legal Services of Mr. Stewart L. Karlin and Mr. Daniel E. Dugan
Attorneys for Federal Case number 10CV2725 – Leon V NYC Education Department**

Dear Mr. Karlin:

This letter serves as my official notification that I am immediately releasing you, and Mr. Daniel E. Dugan as my attorneys of record for my Federal Case, referred above. Please allow me to inform you that information obtained in a copy of the history of my case received from the clerk's office in the Federal Court in Brooklyn reveals that, without my knowledge, that Mr. Daniel E. Dugan was also an attorney who was representing me for my case. However, this information was never revealed to me by you, nor was it included in our retainer agreement between the two of us. If you were in my position, would you be satisfied, and trust that the attorney had your best interest at heart ? I perceive this unilateral decision made by you alone, as being a betrayal of trust, and a lack of expected quality legal services, which include, representation, ethical, and professional practices.

Mr. Karlin, you have consistently ignored and failed to acknowledge nor respond to almost all of my concerns, with the exception of one, in my latest e-mails sent and received by you, dated May 12, 2016, June 3, 2016, and June 18, 2016. On Tuesday, June 21, 2016, I sent copies of my latest e-mails to you, of the aforementioned dates, by Express, Certified, Return Receipt, in order to confirm your receipt of those e-mails. This package was signed for receipt of my e-mails for you, by a person named J. McDonald. The afternoon of June 22, 2016, I received an e-mail from you, by way of PDF file, in response to my e-mail requesting a copy of the transcript for the deposition of Ms. Paula Cunningham, after having requesting this transcript since May 4, 2016, the date you deposed Ms. Paula Cunningham. To date this is the only response to my most recent emails, and you've chosen to respond to one topic, the transcript.

Mr. Karlin, it is incomprehensible to know that you can continue to ignore my urgent concerns and questions, and then proceed to represent me in a court proceedings without any accountability for your unexpected, undesirable, and in some situations, offensive actions.

Page 2 - Subject: Immediate Release of Legal Services of Mr. Stewart L. Karlin and Mr. Daniel E. Dugan Attorneys for Federal Case number 10CV2725 – Leon V NYC Education Department

You refuse to acknowledge your fiduciary responsibilities to me as your client. You have refused to notify me of important court dates, such as the conference scheduled on February 26, 2016, when Mr. Daniel E. Dugan appeared on my behalf without my knowledge or consent: It was not until I contacted you by telephone on June 7, 2016, that you notified me of this proceeding on June 29, 2016, and it was only after I asked you to give me an update of upcoming court appearances, and other related information about my Federal Case.

Due to the fact that you have failed to fulfill your legal professional and ethical responsibilities to me for my Federal Case, by having demonstrated an overall lack of concern for a positive outcome of my case. I hereby release you and Mr. Daniel E. Dugan as attorneys for my Federal Case.

Sincerely,


Willie Leon

RECEIVED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 27 2016 ★
LONG ISLAND OFFICE

Receipt From:
Stewart L. Karlin, Esq.
111 John St, 22nd Floor
NY, NY. 10038

July 27, 2016
Received by
John Callahan (signed) 4:44 PM
Teresa Callahan

117-11 Springfield Boulevard
Cambria Heights, New York 11411
Telephone: (718)-723-4657
Mobile: (917)-327-4597
E-Mail:leonard.leon2013@gmail.com

The Honorable Arlene R. Lindsay
United States Magistrate Judge
Eastern District Of New York
100 Federal Plaza
Central Islip, New York 11722

Date: June 27, 2016

Re: Leon v. NYC Department of Education 10cv2725, Changing Counsel, and Conference before Judge William F. Kuntz on June 29, 2016 at 12:00 noon.

Dear Judge Lindsay:

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Receipt From Jacob Ari Englander zwc by [Signature] rec'd by hand 6/27/16
100 Church St.
NY, NY 10007

June 22, 2016

&%RPCourt Name: Eastern District of New York

Division: 1
Receipt Number: 4653103176
Cashier ID: tavaraz
Transaction Date: 06/22/2016
Payer Name: Lillie Leon

PAPER COPIES

For: Lillie Leon
Amount: \$6.00

CASH

Amt Tendered: \$6.00

Total Due: \$6.00
Total Tendered: \$6.00
Change Amt: \$0.00